

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Part 11 of the FCC Rules)
 Governing the Emergency Alert System)

RM No. 9156

**COMMENTS
 OF
 FOX TELEVISION STATIONS INC.**

To: The Commission

I. Introduction: Fox's Experiences in Implementing the New EAS System Lead to Concurrence With SBE's Proposals.

Fox Television Stations Inc. ("Fox"), on behalf of its twenty-two owned and operated television stations hereby files the following comments in support of the Petition for Rulemaking ("Petition") filed by the Society of Broadcast Engineers, Inc. ("SBE") seeking changes in the Emergency Alert System (EAS). These stations are all voluntary participants in the EAS system and have been working to implement the changes mandated by the Commission in 1994.¹ They have experienced coordination problems that undoubtedly are similar to those experienced by others in the industry. On the basis of these experiences, Fox is able to confirm that the changes suggested in SBE's Petition will go far toward ameliorating the EAS implementation situation and preserving the integrity of the nation's critical broadcast emergency warning system on local, regional, statewide and national levels. In particular, we urge the following changes.

II. Extension of the Relay Window for Tests and Changing to Quarterly Mandated Testing Will Minimize Program Interruption Without Affecting the Integrity of the EAS System.

Using just one Fox owned station as an example, the following illustrates that extending the relay window for EAS tests and changing from monthly to quarterly mandated testing will solve many implementation "glitches." Of its first five Required Monthly Tests ("RMTs") after implementation of EAS, only one was transmitted correctly by the designated Primary Station. One of the RMTs was sent with an incorrect time stamp because the clock on the Primary (AM radio) Station's encoder was wrong, and the message expired before the television station could

¹Report and Order, FO Dockets No. 91-301 and 91-171, 10 FCC Rcd 1786 (1995).

air it. On a second occasion, the Primary station failed to send the End of Message following the test, and the television station aired the Primary Station's programming as part of the test until the error was discovered.

On Tuesday, May 20, 1997, the local EAS Plan scheduled a test to originate at 10:47 am, and the television station scheduled its rebroadcast of the test at 10:58 am. Unfortunately, the Primary Station aired a weekly test at 10:42 am, but no monthly test at 10:47 am. The television station filled the hole in its schedule with a weekly test with video crawl. The following day, the television received an unscheduled RMT and would have had to break into programming to air it. The Primary Station's explanation was that, because it had erred on the RMT on Tuesday, it re-scheduled an RMT on Wednesday with the Local Emergency Communications Committee's Broadcast Coordinator, who, however, had no way of notifying participating stations about the re-scheduling. Moreover, the Primary Station, when queried as to why Tuesday's weekly test was aired at 10:42 am, instead of the scheduled 10:47 am, responded that it does not have a break at 10:47 am, notwithstanding that the local Plan states: "RMT's will occur in the second or fourth quarter hour to accommodate television station breaks at the hour and half hour." The local Broadcast Coordinator was not aware that this Primary Station had unilaterally deviated from the scheduled time for the RMT, to accommodate the Primary Station's own scheduling convenience.

In sum, while every Fox owned station takes the EAS program very seriously, implementation is unduly burdensome and testing unreliable, in circumstances such as those described above. A longer relay window for tests would ease scheduling difficulties for all participating stations and facilitate EAS test procedures generally without negatively affecting the system. Moreover, as SBE's Petition correctly avers, after an initial implementation period, monthly tests are unnecessary and unduly burdensome. Quarterly tests should suffice, unless a particular State or Local Emergency Communications Committee believes that more frequent tests would benefit that specific region, because, for example, there are repeated weather emergencies there..

III. A Protocol Should be Added for Text Transmission.

Another useful suggestion of SBE is that a protocol be included for the transmission of additional text following the EAS message format, pertaining to the event addressed in that message. In this manner, television stations can expand on initial emergency information with detailed updates and follow-up information, as many stations now do outside of the EAS context. Television is uniquely suited to provide textual information. This undoubtedly will benefit a much larger population than just the hearing impaired; but, it certainly will benefit the hearing impaired community and thus is consistent with the Commission's recent action to implement the mandate of the Telecommunications Act of 1996 regarding the provision of closed captioning for all video programming.

IV. Television Stations Should Have the Discretion to Air Crawl-only EAS Information in Local Emergency Situations.

As a corollary to paragraph III above, Fox supports SBE's proposal that television stations not designated as a monitoring source for any other participating station should be permitted to determine in what circumstances crawl-only EAS information is appropriate. There may be situations in which continuous updates are available and can be transmitted without interruption of regular programming. Experienced as most are in local news coverage, television broadcasters are well-equipped to determine what situations warrant interruption of regular programming and which do not. SBE correctly points out that giving television stations the discretion to air crawl-only EAS information when circumstances warrant will result in the transmission of more emergency information overall. Moreover, transmission of such information in text format will benefit the hearing impaired, as pointed out above.

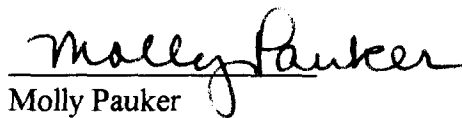
V. Participating Stations Should be Able to Carry the President's Voice Messages From a Non-EAS Source.

For the reasons stated by SBE, namely better overall quality and synchronization of audio and video, participating stations should be permitted to switch to network or other clear feed of Presidential addresses in National emergencies. If major national networks or other news services provide coverage of such Presidential addresses and the feed is better quality than audio received on an EAS decoder, there is no reason not to let stations switch to that "cleaner" feed. Indeed, it can be argued that the purposes of the EAS system would be better served if this were to occur.

VI. Conclusion

In conclusion, Fox urges the Commission to implement SBE's proposals, both the ones specifically addressed above and the other suggestion in the Petition. Efficient, effective dissemination of emergency information is at the heart of broadcasters' public interest obligation, and it is a responsibility that broadcasters do not take lightly. Suggestions developed by the industry after experience implementing the new EAS system should be taken seriously.

Respectfully submitted,



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